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SENATE

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No. 98-5

1983 PROTOCOLS FOR THE FURTHER EXTENSION OF THE 1971 INTERNATIONAL WHEAT AGREEMENT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

TWO PROTOCOLS FOR THE FURTHER EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1971: (1) 1983 PROTOCOL FOR THE FURTHER EXTENSION OF THE WHEAT TRADE CONVENTION, 1971; AND (2) 1983 PROTOCOL FOR THE FURTHER EXTENSION OF THE FOOD AID CONVENTION, 1980; BOTH SIGNED ON BEHALF OF THE UNITED STATES ON APRIL 25, 1983

JULY 11, 1983.—Protocols were read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE
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S385-5

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *July 11, 1983.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocols for the Extension of the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, which Conventions constitute the International Wheat Agreement, 1971. The Protocols were adopted by the International Wheat Council which met in London in December 1982 and were open for signature in Washington from April 4 through May 10, 1983. They were signed by the Secretary of Agriculture for the United States on April 25, 1983.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Protocols.

The Protocols extend both Conventions through June 30, 1986. They maintain the framework for international cooperation in wheat trade matters, continue the existence of the International Wheat Council, and extend the parties' commitments to provide minimum annual quantities of cereals food aid to developing countries.

I ask that the Senate give early and favorable consideration to the two Protocols so that ratification by the United States can be effected at an early date. Doing so will demonstrate our continued commitment to cooperation on international wheat trade matters and to providing food aid to needy developing nations.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, June 24, 1983.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to their transmittal to the Senate for advice and consent to ratification, two Protocols for the Extension of the International Wheat Agreement, 1971. These Protocols were open for signature in Washington from April 4 through May 10, 1983. They were signed on behalf of the United States on April 25, 1983.

The International Wheat Agreement consists of two separate Conventions: the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, with a common preamble. The texts of the two Protocols further extending these two Conventions from July 1, 1983 through June 30, 1986 were adopted at a meeting of the International Wheat Council convened in London in December 1982.

The seventh extension of the Wheat Trade Convention, like the six previous extensions, maintains the framework for international cooperation in wheat matters. It will authorize the International Wheat Council to continue to collect, analyze, and disseminate data on the international wheat situation, with particular reference to supply, demand, trade, and prices. The International Wheat Council, which meets semi-annually, provides a unique and valuable forum for international discussions to promote trade in wheat and wheat products and to resolve problems in a cooperative manner.

Effective July 1, 1980, the original Food Aid Convention, 1971, was replaced by the Food Aid Convention, 1980. This second extension maintains the parties' present commitments to provide minimum annual quantities of cereals food aid to needy developing countries. In the case of the United States, this commitment amounts to 4,470,000 metric tons, an amount well within our currently authorized food aid programs under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, as amended.

The Secretary of Agriculture joins me in recommending that the Senate give early and favorable consideration to these Protocols.

Respectfully submitted,

KENNETH W. DAM.

1983 PROTOCOLS FOR THE FURTHER EXTENSION OF THE WHEAT TRADE CONVENTION, 1971 AND THE FOOD AID CONVENTION, 1980, CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Conference to establish the texts of the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971

Considering that the International Wheat Agreement was revised, renewed or extended on several occasions since 1949,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments—the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, which were extended by Protocol in 1981—will expire on 30 June 1983.

Has established the texts of the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980.

1983 PROTOCOL FOR THE FURTHER EXTENSION OF THE WHEAT TRADE CONVENTION, 1971

The Governments party to this Protocol,

Considering that the Wheat Trade Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1981, expires on 30 June 1983.

Have agreed as follows:

ARTICLE 1

Extension, expiry and termination of the Convention

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1986 provided that, if a new international agreement covering wheat enters into force before 30 June 1986, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE 2

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1983:

(a) paragraph (4) of Article 19;
(b) Articles 22 to 26 inclusive;
(c) paragraph (1) of Article 27;
(d) Articles 29 to 31 inclusive.

ARTICLE 3

Definition

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or "a declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

ARTICLE 4

Finance

The initial contribution of any exporting or importing member accceding to this Protocol under paragraph (1)(b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

ARTICLE 5

Signature

This Protocol shall be open for signature in Washington from 4 April 1983 until and including 10 May 1983 by Governments of countries party to the Convention as further extended by the 1981 Protocol, or which are provisionally regarded as party to the Convention as further extended by the 1981 Protocol, on 1 December 1982, or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Convention.

ARTICLE 6

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America not later than 30 June 1983, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE 7

Accession

(1) This Protocol shall be open for accession

(a) until 30 June 1983 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government that has not deposited its instrument by that date, and

(b) after 30 June 1983 by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, upon such conditions as the Council considers appropriate by not less than two thirds of the votes cast by exporting members and two thirds of the votes cast by importing members.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

(3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the Convention on conditions prescribed by the Council, or to this Protocol in accordance with paragraph (1)(b) of this Article, shall be deemed to be listed in the appropriate Annex.

ARTICLE 8

Provisional Application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE 9

Entry Into Force

(1) This Protocol shall enter into force on 1 July 1983 if, by 30 June 1983, Governments representing exporting members which held at least 60 per cent of the votes set out in Annex A and representing importing members which held at least 50 per cent of the votes set out in Annex B, or would have held such votes on 30 June 1983 if they had been parties to the Convention on that date, have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol.

(2) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application.

ARTICLE 10

Notification by depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Protocol as well as of each notification and notice received under Article 27 of the Convention and each declaration and notification received under Article 28 of the Convention.

ARTICLE 11

Certified copy of the Protocol

As soon as possible after the entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE 12

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

1983 Protocol for the Further Extension of the Food Aid Convention, 1980

The parties to this Protocol,

Considering that the Food Aid Convention, 1980 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was extended by Protocol in 1981, expires on 30 June 1983,

Have agreed as follows:

Article I

Extension, expiry and termination of the Convention

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1986 provided that, if a new agreement covering food aid enters into force before 30 June 1986, this Protocol shall remain in force only until the date of entry into force of the new agreement.

Article II

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1983:

(a) Article XII
(b) Article XVII
(c) paragraph (1) of Article XVIII.

Article III

International food aid

For the purposes of the operation of the Convention as extended by this Protocol, any member which has acceded to this Protocol pursuant to paragraph (2) of Article VIII of this Protocol shall be deemed to be listed in paragraph (3) of Article III of the Convention, together with its minimum contribution as determined under the relevant provisions of Article VIII of this Protocol.

Article IV

Signature

This Protocol shall be open for signature in Washington from 4 April 1983 until and including 10 May 1983 by the Governments referred to in paragraph (3) of Article III of the Convention.

ARTICLE V

Depositary

The Government of the United States of America shall be the depositary of this Protocol.

ARTICLE VI

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1983, except that the Food Aid Committee under the Convention (hereinafter referred to as "the Committee") may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE VII

Provisional application

Any signatory Government may deposit with the depositary a declaration of provisional application of this Protocol. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE VIII

Accession

(1) This Protocol shall be open for accession by any Government referred to in paragraph (3) of Article III of the Convention that has not signed this Protocol. Instruments of accession shall be deposited with the depositary not later than 30 June 1983, except that the Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) Once this Protocol has entered into force in accordance with Article IX of this Protocol, it shall be open for accession by any Government other than those referred to in paragraph (3) of Article III of the Convention, upon such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

(3) Any Government acceding to this Protocol under paragraph (1) or paragraph (2) of this Article may deposit with the depositary a declaration of provisional application of this Protocol pending the deposit of its instrument of accession. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE IX

Entry into force

(1) This Protocol shall enter into force on 1 July 1983, if by 30 June 1983 the Governments referred to in paragraph (3) of Article III

of the Convention have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the 1983 Protocol for the further extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force.

(2) If this Protocol does not enter into force in accordance with pargaraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the 1983 Protocol for the further extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force, or may take whatever other action they consider the situation requires.

Article X

Duration

This Protocol shall remain in force until and including 30 June 1986, provided that the 1983 Protocol for the further extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

Article XI

Authentic texts

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the depositary, which shall transmit certified copies thereof to each signatory and acceding Government.

Article XII

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

I CERTIFY THAT the foregoing is a true copy of the 1983 Protocols for the Further Extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, established, together with a common Preamble, by a Conference of Governments convened at London on December 1, 1982, to be opened for signature at Washington on April 4, 1983, in the English, French, Russian and Spanish languages, the original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, KENNETH W. DAM, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this first day of February, 1983.

[SEAL]

KENNETH W. DAM,
Acting Secretary of State.
By ANNIE R. MADDUX,
Authentication Officer, Department of State.

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